

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THAT'S WHAT SHE SAID, INC.,  
Plaintiff,  
-v.-  
GUTTER GAMES, INC., and PERCH  
UK 1 LTD.,  
Defendants.

22 Civ. 4230 (KPF)

**ORDER**

KATHERINE POLK FAILLA, District Judge:

The Court's May 22, 2024 Order (Dkt. #91) ordered Plaintiff to both  
(i) "file a statement responding to Defendants' Rule 56.1 Statement in  
accordance with Local Rule 56.1(b)," and (ii)

file an amended Memorandum of Law in Opposition to  
Defendants' Motion for Summary Judgment, converting all  
record citations therein to [Plaintiff's] Rule 56.1 Statement (as  
opposed to the declarations of Richard Mooney (Dkt. #84) and  
Dan Myers (Dkt. #83)). To be clear, the Court expects that no  
new arguments will be set forth in Plaintiff's amended  
memorandum, but rather that Plaintiff will properly source its  
factual assertions.

While Plaintiff accordingly filed the required statement responding to  
Defendants' Rule 56.1 Statement on May 30, 2024 (Dkt. #92), Plaintiff failed to  
file the required amended memorandum of law.

The Court will allow Plaintiff until on or before **June 7, 2024**, to file the  
amended memorandum and come into full compliance with the Court's May  
22, 2024 Order. The Court remains dismayed, particularly given the content of  
the Court's May 22, 2024 Order, by Plaintiff's continued inability to abide by  
the Court's orders. (*See, e.g.*, Dkt. #52, 58, 62, 91).

As before, to the extent Defendants wish to file amended reply papers, they are instructed to file a letter requesting as much within two weeks of Plaintiff's filing of its compliant amended memorandum of law. Furthermore, the Court may entertain an application that Plaintiff pay the fees and costs incurred by Defendants in filing any amended reply papers, in view of the fact that Plaintiff's failure to comply with the Local Rules of the Court would have rendered the filing of such papers necessary.

SO ORDERED.

Dated: June 4, 2024  
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

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KATHERINE POLK FAILLA  
United States District Judge